

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

KELLY SUTHERLAND

§

VS.

§

CIVIL ACTION NO. 4:14cv424

WILL TRAVIS, ET AL.

§

MEMORANDUM OPINION AND
ORDER OF DISMISSAL

Plaintiff Kelly Sutherland, previously an inmate confined at the Denton County Jail, proceeding *pro se*, filed the above-styled and numbered civil lawsuit pursuant to 42 U.S.C. § 1983.

On June 25, 2014, the Court mailed a series of documents to the Plaintiff at his last known address, which was the Denton County Jail. On July 14, 2014, the letter containing the documents was returned with the notation “return to sender, not in Denton County Jail.” The Plaintiff’s whereabouts are unknown. As of today, the Plaintiff has not provided the Court with a new address. He has failed to prosecute this case.

The exercise of the power to dismiss for failure to prosecute is committed to the sound discretion of the Court and appellate review is confined solely in whether the Court’s discretion was abused. *Green v. Forney Engineering Co.*, 589 F.2d 243 (5th Cir. 1979); *Lopez v. Aransas County Independent School District*, 570 F.2d 541 (5th Cir. 1978). Not only may a district court dismiss for want of prosecution upon motion of a defendant, but it may also, *sua sponte*, dismiss an action whenever necessary to achieve the orderly and expeditious disposition of cases. *Anthony v. Marion County General Hospital*, 617 F.2d 1164 (5th Cir. 1980). The present case should be dismissed. It is therefore

ORDERED that the complaint is **DISMISSED** without prejudice for want of prosecution and failure to obey an order. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas.

All motions not previously ruled on are **DENIED**.

SIGNED this 19th day of January, 2015.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE